

### REMARKS

Favorable reconsideration of this application, in light of the present amendments and following discussion, is respectfully requested.

Claims 14-23 are pending; Claims 14, 16, 17, and 19 are amended; and Claims 20-23 are newly added. As support for this amendment may be found, for example, at page 23, line 14 - page 24, line 2 of the specification, it is respectfully submitted that no new matter is added by this amendment.

### SUMMARY OF THE OFFICE ACTION

In the outstanding Office Action, Claim 19 was rejected under 35 U.S.C. § 101; Claims 14-19 were rejected under 35 U.S.C. § 102(e) as anticipated by Kim et al. (U.S. Pat. No. 6,470,135, hereafter Kim); Claims 14-19 were rejected under 35 U.S.C. § 103(a) as unpatentable over Na et al. (U.S. Pat. No. 6,366,731, hereafter Na) in view of Yoshinobu et al. (U.S. Pat. No. 5,686,954, hereafter Yoshinobu); and Claims 16 and 18 were rejected under 35 U.S.C. § 103(a) as unpatentable over Na in view of Yoshinobu and further in view of Hiroshima et al. (U.S. Pat. No. 5,801,781, hereafter Hiroshima).

### REJECTION UNDER 35 U.S.C. § 101

With regard to the outstanding rejection of Claim 19 under 35 U.S.C. § 101, that rejection is respectfully traversed.

Claim 19 has been amended to recite a management area for recording control information to record or reproduce a broadcast MPEG transport stream. Accordingly, it is respectfully requested that this rejection be withdrawn.

MPEP § 2106 discusses statutory subject matter in relation to data structures of a computer readable medium. Particularly, MPEP § 2106 provides,

A claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and thus is statutory.

Thus, based on the clear language of this section, Claim 19 is statutory, as it defines a functionality which is realized based on the interrelationship of the structure to the medium and recited hardware components.

Further, should the Examiner disagree with the above passage, MPEP § 2106 also states that,

**Whenever practicable, Office personnel should indicate how rejections may be overcome and how problems may be resolved. A failure to follow this approach can lead to unnecessary delays in the prosecution of the application.**

Applicants respectfully submit, as noted above, that the rejection under 35 U.S.C. § 101 should be withdrawn. However, if the rejection under 35 U.S.C. § 101 is to be maintained, Applicants respectfully request that the Examiner provide an explanation of the rejection in view of the guidelines of MPEP § 2106.

#### REJECTION UNDER 35 U.S.C. § 102

Regarding the rejection of Claims 14-19 under 35 U.S.C. § 102(e) as anticipated by Kim, that rejection is also traversed.

Independent Claims 14, 17, and 19 have been amended to recite a data area for recording a broadcasted MPEG transport stream; a management area for recording control information for managing the broadcasted MPEG transport stream information recorded in the data area, wherein the management area is configured to record information corresponding to the service information including information specifying a broadcast source.

From this specifying information recorded in the management area, it is possible to know which broadcast source (e.g. STB) provides the broadcast MPEG transport stream information.

Kim relates to a method and apparatus for recording digital data streams. Kim describes that if a user enters a search time in order to search for a specific position on the recording medium 230, the control unit 250 of the streamer 200 looks for a record or program corresponding to the user's search time with reference to the creation times of records or programs.<sup>1</sup> The control unit 250 then resets an internal register for storing the number of transport stream packets to 0 and searches for a random access indicator in the header of the first transport stream packet of the input data stream. The control unit increments the internal register value indicative of the number of transport stream packets and checks if a random access indicator has been discovered.<sup>2</sup>

However, Kim does not disclose or suggest service information recorded in the management information that includes information specifying a broadcast source, as recited in the independent claims. Accordingly, it is respectfully submitted that independent Claims 14, 17, and 19 patentably distinguish over Kim. Likewise, it is respectfully submitted that dependent Claims 15, 16, and 18 patentably distinguish over Kim for the reasons above set forth with regard to independent Claims 14, 17, and 19. It is therefore respectfully requested that this rejection be withdrawn.

With regard to the rejection of Claims 14-19 under 35 U.S.C. § 103(a) as unpatentable over Na in view of Yoshinobu, that rejection is also traversed.

As previously explained, the independent claims have been amended to include the feature that the service information recorded in the management area includes information specifying a broadcast source.

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<sup>1</sup> Kim, col. 4, lines 12-20.

<sup>2</sup> Id. at col. 5, lines 8-12.

As admitted in the outstanding Office Action at page 5, Na fails to disclose or suggest any type of management area. The outstanding Office Action relies upon Yoshinobu to remedy this admitted defect. Figure 12 of Yoshinobu shows that the user table of contents (UTO) includes a file name, attribute, date, start cluster, length, and link-p. However, Figure 12 does not disclose or suggest that this user table of contents or any other part of the management information includes information specifying a broadcast source, as recited in independent Claims 14, 17, and 19. It is therefore respectfully submitted that Claims 14-19 patentably distinguish over Yoshinobu.

Therefore, as neither Na nor Yoshinobu, either alone or in combination, discloses or suggests the features of Claims 14-19, it is respectfully submitted that Claims 14-19 patentably distinguish over the applied combination of Na and Yoshinobu. It is therefore respectfully requested that this rejection be withdrawn.

Moreover, it is respectfully submitted that there is no basis in the teachings of Na or Yoshinobu to support the applied combination. Certainly, the Office Action fails to cite to any specific teachings within either Na or Yoshinobu to support this combination. It is therefore respectfully submitted that that combination of Na and Yoshinobu is based upon hindsight reconstruction, and is improper as a reasoned motivation has not been provided to the Applicant nor is evident from a review of the references.

With regard to the rejection of Claims 16 and 18 under 35 U.S.C. § 103(a) as unpatentable over Na in view of Yoshinobu and further in view of Hiroshima, that rejection is respectfully traversed.

As note above, Na and Yoshinobu fail to disclose or suggest the features of independent Claims 14 and 17, from which Claims 16 and 18 respectively depend.

As Hiroshima is not relied upon in the outstanding Office Action to provide the features identified as deficient in the combination of Na and Yoshinobu, Hiroshima is not substantively addressed herewith.

Moreover, it is respectfully submitted that there is no basis in the teachings of Na or Yoshinobu to support the applied combination. Certainly, the Office Action fails to cite to any specific teachings within either Na or Yoshinobu to support the applied combination. It is therefore respectfully submitted that the combination of Na and Yoshinobu is based upon hindsight reconstruction, and is improper.

With regard to the rejection of Claims 16 and 18 under 35 U.S.C. § 103(a) as unpatentable over Na in view of Yoshinobu and further in view of Hiroshima, that rejection is respectfully traversed.

As noted above, Na and Yoshinobu fail to disclose or suggest the features of independent Claims 14 and 17, from which Claims 16 and 18 respectively depend.

As Hiroshima is not relied upon in the outstanding Office Action to provide the features identified as deficient in the combination of Na and Yoshinobu, Hiroshima is not substantively addressed herewith.

Moreover, as discussed above, it is respectfully submitted there is no basis in any of the teachings of Na, Yoshinobu, and Hiroshima to support the combination advanced in the Official Action. If this rejection is maintained in the next communication, Applicants respectfully request that a motivation for such combination be provided pursuant to MPEP § 2143.01.

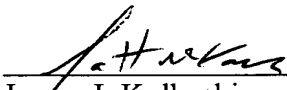
Consequently, in view of the foregoing discussion and present amendments, it is respectfully submitted that this application is in condition for allowance. An early and favorable action is therefore respectfully requested.

Respectfully submitted,

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